

CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1010

Citations Affected: IC 8-10-1-12; IC 8-22-3.5-5; IC 36-7.

Synopsis: Transportation and planning commissions. Conference committee report for EHB 1010. Requires that all area plan commissions use the same process when appointing an executive director. Reduces, from 20% to 10%, the ten year population percentage loss that is one of the criteria for the establishment of an airport development zone in certain cities. Expands the types of studies that may be funded from the Indiana port fund to include studies of transportation by water, intermodal transportation, and other modes of transportation. Authorizes transfers from the Indiana port fund for the purposes of IC 14-13-2. Repeals and replaces the law governing the Northwestern Indiana Regional Planning Commission (NIRPC) as a coordinating agency in Lake, Porter, and LaPorte counties. Establishes the purpose, powers, and duties of NIRPC. Establishes the funding and budgeting mechanisms for the commission. Authorizes an alternative weighted voting system for NIRPC until June 30, 2007. **(This conference committee report: (1) requires that all area plan commissions use the same process when appointing an executive director; (2) reduces, from 20% to 10%, the ten year population percentage loss that is one of the criteria for the establishment of an airport development zone in certain cities; (3) authorizes transfers from the port fund for the purposes of IC 14-13-2; and (4) sunsets the "weighted" voting procedure to be used by NIRPC on July 1, 2007.)**

Effective: Upon passage; July 1, 2003.

Adopted

Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1010 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 8-10-1-12 IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) A special and distinct
- 4 revolving fund is hereby created, to be known as the Indiana port fund.
- 5 Expenditures from said fund shall be made only for the acquisition of
- 6 **the following:**
- 7 (1) Land including lands under water and riparian rights, or options
- 8 for the purchase of such land for a port site, and incidental
- 9 expenses incurred in connection with such acquisition. ~~and for~~
- 10 (2) Studies in connection with the port project.
- 11 (3) **Studies in connection with transportation by water,**
- 12 **intermodal transportation, and other modes of transportation.**
- 13 ~~and~~
- 14 (4) ~~including~~ Administrative expenses of the commission.
- 15 (5) **Transfers to the fund established by IC 14-13-2-19 to carry**
- 16 **out the purposes of IC 14-13-2.**
- 17 ~~Said~~ **The** fund shall be held in the name of the Indiana port
- 18 commission, shall be administered by the commission, and all
- 19 expenditures therefrom shall be made by the commission, subject,

however, to the approval by governor and the state budget committee of all expenditures of moneys advanced to said fund by the state of Indiana. Requests for such approval shall be made in such form as shall be prescribed by the budget committee, but expenditures for acquisition of land including lands under water and riparian rights, or options for the purchase of such land, shall be specifically requested and approved as to the land to be acquired and the amount to be expended. No transfers from said fund to any other fund of the state shall be made except pursuant to legislative action. All unexpended funds appropriated to the Indiana board of public harbors and terminals by Acts 1957, c.286, s.6, are hereby transferred to and made a part of the Indiana port fund created by this section, and shall be expended for the purpose and in the manner provided by this chapter, subject only to the restrictions contained in this chapter and no others; provided, however, that not to exceed one hundred thousand dollars (\$100,000) shall be expended for any purpose other than the acquisition of land, including lands under water and riparian rights, or options for the purchase of such land for a port site, and incidental expenses incurred in connection with such acquisition.

(b) Upon the sale of port revenue bonds for any port project, the funds expended from the Indiana port fund in connection with the development of such project and any obligation or expense incurred by the commission for surveys, preparation of plans and specifications, and other engineering or other services in connection with development of such project shall be reimbursed to the state general fund from the proceeds of such bonds.

SECTION 2. IC 8-22-3.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (f), the commission may designate an area within the jurisdiction of an airport authority under IC 8-22-3 as an airport development zone if the commission finds by resolution the following:

(1) In order to promote opportunities for the gainful employment of the citizens of the eligible entity and the attraction of a qualified airport development project to the eligible entity, an area under the jurisdiction of the airport authority should be declared an airport development zone.

(2) The public health and welfare of the eligible entity will be benefited by designating the area as an airport development zone.

(b) If the airport development zone will be located in a consolidated city or in a county described in section 1(3), 1(4), or 1(5) of this chapter, the resolution adopted under subsection (a) must also include a finding that there has been proposed a qualified airport development project to be located in the airport development zone, with the proposal supported by:

(1) financial and economic data; and

(2) preliminary commitments by business enterprises that evidence a reasonable likelihood that the proposed qualified airport development project will be initiated and accomplished.

(c) If the airport development zone will be located in a city described in section 1(2) of this chapter, the resolution adopted under subsection

(a) must also include findings stating that the most recent federal decennial census for the city indicates that:

(1) the unemployment rate for the city is at least thirteen percent (13%);

(2) the population of the city has decreased by at least ~~twenty ten~~ percent ~~(20%)~~ **(10%)** as compared to the population reported in the preceding federal decennial census for the city;

(3) the median per capita income for city residents does not exceed eighty percent (80%) of the median per capita income for all residents of the United States; and

(4) at least twenty-five percent (25%) of the population of the city is below the federal income poverty level (as defined in IC 12-15-2-1).

(d) The resolution adopted under subsection (a) must describe the boundaries of the area. The description may be by reference to the area's location in relation to public ways or streams, or otherwise, as determined by the commission.

(e) If the airport development zone will be located in a county described in section 1(4) or 1(5) of this chapter, the resolution adopted under subsection (a) and any qualified airport development project to be located in the airport development zone, must be approved by the executive of:

(1) the county, if the entire airport development zone or qualified airport development project will be located outside the boundaries of any municipality located in the county;

(2) a municipality located in the county, if the entire airport development zone or qualified airport development project will be located within the boundary of the municipality; or

(3) the county and a municipality located in the county, if the airport development zone or qualified airport development project will be located within the boundary of the county and in part within the boundary of the municipality.

(f) If the airport development zone will be located in a county described in section 1(5) of this chapter, the commission may designate the airport plus the area outside of the airport property but not to exceed a total area of three (3) square miles as an airport development zone, if the commission finds by resolution the following:

(1) In order to promote opportunities for the gainful employment of the citizens of the eligible entity and the attraction of a qualified airport development project to the eligible entity, an area under the jurisdiction of the airport authority should be declared an airport development zone.

(2) The public health and welfare of the eligible entity will be benefited by designating the area as an airport development zone.

SECTION 3. IC 36-7-4-311 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 311. (a) ADVISORY. The advisory plan commission may appoint, prescribe the duties, and fix the compensation of such employees as are necessary for the discharge of the duties of the commission. This compensation must be in conformity with salaries and compensation fixed up to that time by the fiscal body of the municipality or county, as the case may be. The

commission may contract for special or temporary services and any professional counsel.

(b) AREA.

(1) ~~Except as provided in subdivision (2);~~ The area plan commission shall appoint an executive director for the planning department and fix the director's compensation. To be qualified for the position, the executive director must have training and experience in the field of planning and zoning. The commission may not give any consideration to political affiliation in the appointment of the executive director.

(2) ~~This subdivision applies to an area plan commission of a county in which the largest city has a population of less than twenty-five thousand (25,000) or to a county that has no cities. When there is a vacancy in the position of executive director of the planning department, the area plan commission shall give to the county commissioners the name of a person recommended for the position. The county commissioners shall appoint an executive director who may be the person recommended by the area plan commission. The county commissioners may remove the executive director. The county commissioners shall fix the director's compensation. To be qualified for the position, an executive director must have training and experience in the field of planning and zoning. In making the appointment, the county commissioners may not give any consideration to political affiliation of the executive director.~~

SECTION 4. IC 36-7-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) The following members of the commission shall be appointed from each county in the region:

(1) A representative of the county executive who may be either a member of the executive or a person appointed by it.

(2) A representative of the county fiscal body who must be a member of the fiscal body.

(b) The following members of the commission shall be appointed from each county in the region having a population of more than fifty thousand (50,000):

(1) The county surveyor or a person appointed by ~~him~~: **the surveyor.**

(2) Two (2) persons appointed by the executive of each municipality having a population of more than fifty thousand (50,000).

(3) ~~Except for a commission in which a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) participates;~~ One (1) person appointed by the executive of each of the seven (7) largest municipalities having a population of less than fifty thousand (50,000). If there are fewer than seven (7) municipalities, enough additional persons appointed by the county executive to bring the total appointed under this subdivision to seven (7).

(4) ~~For a commission in which a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) participates;~~ the membership is as

follows:

(A) For a county having a population of not more than four hundred thousand (400,000); one (1) person appointed by the executive of each of the eight (8) largest municipalities having a population of less than fifty thousand (50,000):

(B) For a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); one (1) person appointed by the executive of each city having a population of less than fifty thousand (50,000) and one (1) person appointed by the executive of each of the five (5) towns with the largest population:

(c) The following members of the commission shall be appointed from each county in the region having a population of less than fifty thousand (50,000):

(1) One (1) person appointed by the executive of each of the five (5) largest municipalities or of each municipality if there are fewer than five (5).

(2) If there are fewer than five (5) municipalities, enough additional persons appointed by the county executive to bring the total appointed under this subsection to five (5).

(d) One (1) voting member of the commission shall be appointed by the governor.

(e) At least two-thirds (2/3) of the commission members must be elected officials. All persons appointed to the commission must be:

(1) knowledgeable in matters of physical, social, or economic development of the region; and

(2) residents of the municipality, county, or region that they represent.

A member of the commission may also serve as a member of a plan commission in the region.

(f) Members of the commission shall serve without salary but may be reimbursed for expenses incurred in the performance of their duties.

(g) The respective appointing authorities shall certify their appointments, and the certification shall be retained as a part of the records of the commission.

(h) ~~This subsection applies to a commission that does not include members from a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~

If a vacancy occurs by resignation or otherwise, the respective appointing authority shall appoint a member for the unexpired term. Members shall be certified annually, and their terms expire on December 31 of each year.

SECTION 5. IC 36-7-7-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) The commission shall prepare and adopt an annual appropriation budget for its operation, which shall be apportioned to each participating county on a pro rata per capita basis. After adoption, any amount that does not exceed an amount for each participating county equal to

~~(1) seventy cents (\$0.70) per capita for each participating county in a commission in which a county having a population of more than four hundred thousand (400,000) but less than seven hundred~~

1 thousand (700,000) participates; and
 2 (2) thirty cents (\$0.30) per capita for all other commissions;
 3 shall be certified to the respective county auditor who shall advertise
 4 the amount and establish the rate in the same manner as other county
 5 budgets. Any amount of the adopted budget that exceeds an amount
 6 equal to ~~seventy cents (\$0.70) per capita for each participating county~~
 7 ~~in a commission in which a county having a population of more than~~
 8 ~~four hundred thousand (400,000) but less than seven hundred thousand~~
 9 ~~(700,000) participates and~~ thirty cents (\$0.30) per capita for each
 10 participating county for all other commissions is subject to review by
 11 the county fiscal body in the usual manner of budget review. The tax
 12 so levied and certified shall be estimated and entered upon the tax
 13 duplicates by the county auditor and shall be collected and enforced by
 14 the county treasurer in the same manner as other county taxes are
 15 estimated, entered, collected, and enforced. The tax, as collected by the
 16 county treasurer, shall be transferred to the commission.

17 (b) In fixing and determining the amount of the necessary levy for the
 18 purpose provided in this section, the commission shall take into
 19 consideration the amount of revenue, if any, to be derived from the
 20 federal grants, contractual services, and miscellaneous revenues above
 21 the amount of those revenues considered necessary to be applied upon
 22 or reserved upon the operation, maintenance, and administrative
 23 expenses for working capital throughout the year.

24 (c) After approval no sums may be expended except as budgeted
 25 unless the commission authorizes their expenditure. Before the
 26 expenditure of sums appropriated as provided in this section, a claim
 27 must be filed and processed as other claims for allowance or
 28 disallowance, for payment as provided by law.

29 (d) Any two (2) of the following officers may allow claims:

- 30 (1) Chairman.
- 31 (2) Vice chairman.
- 32 (3) Secretary.
- 33 (4) Treasurer.

34 The treasurer of the commission may receive, disburse, and otherwise
 35 handle funds of the commission subject to applicable statutes and
 36 procedures established by the commission.

37 (e) The commission shall act as a board of finance under the statutes
 38 relating to the deposit of public funds by political subdivisions.

39 (f) Any appropriated money remaining unexpended or unencumbered
 40 at the end of the year becomes part of a nonreverting cumulative fund
 41 to be held in the name of the commission. Unbudgeted expenditures
 42 from this fund may be authorized by vote of the commission and upon
 43 other approval as required by statute. The commission is responsible
 44 for the safekeeping and deposit of such sums, and the state board of
 45 accounts shall prescribe the methods and forms for keeping the
 46 accounts, records, and books to be used by the commission. The books,
 47 records, and accounts of the commission shall be periodically audited
 48 by the state board of accounts, and these audits shall be paid for as
 49 provided by statute.

50 SECTION 6. IC 36-7-7.6 IS ADDED TO THE INDIANA CODE AS
 51 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2003]:

Chapter 7.6. Northwestern Indiana Regional Planning Commission

Sec. 1. This chapter applies to the area consisting of the following counties:

(1) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(2) A county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000).

(3) A county having a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000).

Sec. 2. As used in this chapter, "commission" means the northwestern Indiana regional planning commission established by section 3 of this chapter.

Sec. 3. The northwestern Indiana regional planning commission is established for the area described in section 1 of this chapter.

Sec. 4. (a) The following members shall be appointed to the commission:

(1) A member of the county executive of each county described in section 1 of this chapter, to be appointed by the county executive.

(2) A member of the county fiscal body of each county described in section 1 of this chapter, to be appointed by the county fiscal body.

(3) The county surveyor of each county described in section 1 of this chapter.

(4) For a county having a population of not more than four hundred thousand (400,000), one (1) person appointed by the executive of each of the eleven (11) largest municipalities.

(5) For a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), one (1) person appointed by the executive of each of the nineteen (19) largest municipalities.

(b) One (1) voting member of the commission shall be appointed by the governor. The member appointed under this subsection may not vote in a weighted vote under section 9 of this chapter.

(c) A member of the commission who is a county surveyor may not vote in a weighted vote under section 9 of this chapter.

Sec. 5. (a) All commission members must be elected officials.

(b) All persons appointed to the commission must be:

(1) knowledgeable in matters of physical, social, or economic development of the region; and

(2) residents of the municipality, county, or region that they represent.

(c) A member of the commission may also serve as a member of a plan commission in the region.

(d) Members of the commission shall serve without salary but may be reimbursed for expenses incurred in the performance of

1 their duties.

2 (e) The respective appointing authorities shall certify their
3 appointments, and the certification shall be retained as a part of
4 the records of the commission.

5 (f) Each member serves at the pleasure of the appointing
6 authority. The appointing authority shall give written notice to the
7 commission of a change of an appointee and the effective date of
8 that change.

9 (g) If a vacancy occurs by resignation or otherwise, the
10 appointing authority shall promptly appoint a replacement
11 member.

12 (h) If a member of the commission is absent for more than three
13 (3) consecutive meetings of the full commission, the commission
14 shall notify that member's appointing authority and request the
15 appointing authority to do one (1) of the following:

16 (1) Replace the member.

17 (2) Take action to assure the member's conscientious
18 attendance at meetings of the full commission.

19 Sec. 6. (a) At its first regular meeting in each year, the
20 commission shall elect from its members a chairperson, vice
21 chairperson, secretary, and treasurer.

22 (b) Not more than two (2) of the officers elected under subsection
23 (a) may be from the same county.

24 (c) The vice chairperson may act as chairperson during the
25 absence or disability of the chairperson.

26 Sec. 7. (a) The commission shall fix the time and place for holding
27 regular meetings, but it shall meet:

28 (1) at least quarterly; and

29 (2) at other times established by the commission or the
30 executive board of the commission.

31 (b) The chairperson of the commission or five (5) members of the
32 commission may call a special meeting of the commission upon
33 written request to the secretary of the commission. The secretary
34 shall send to all commission members at least forty-eight (48) hours
35 in advance of a special meeting a written notice fixing the time and
36 place of the special meeting. Written notice of a special meeting is
37 not required if:

38 (1) the time of the special meeting has been fixed in a regular
39 meeting; or

40 (2) all members are present at the special meeting.

41 (c) A commission member may waive notice of any meeting by
42 filing a written waiver with the secretary of the commission.

43 Sec. 8. The commission shall adopt rules for the transaction of
44 business and shall keep a record of its resolutions, transactions,
45 findings, and determinations. The commission's record is a public
46 record.

47 Sec. 9. (a) Twenty-six (26) commission members constitute a
48 quorum.

49 (b) An action of the commission is official only if both the
50 following apply:

51 (1) The action is authorized at a regular meeting or a properly

called special meeting in which at least one (1) member from each county described in section 1 of this chapter is present.

(2) The action is authorized by:

(A) the affirmative votes of twenty-six (26) members of the commission; or

(B) a weighted affirmative vote of more than fifty (50) if a motion is made under subsection (c).

(c) The weighted voting authorized under this chapter may not be used after June 30, 2007. Upon a motion by any one (1) member of the commission that is properly seconded by another member at:

(1) a regular meeting; or

(2) a properly called special meeting;

the commission shall use the weighted voting process described in subsection (d).

(d) Until June 30, 2007, each commission member has a weighted vote determined as follows:

(1) In the case of a member appointed by the executive of a municipality, the member's weighted vote is determined in STEP FIVE of the following formula:

STEP ONE: Determine the population of the municipality as reported by the 2000 decennial census.

STEP TWO: Determine the sum of the population of the counties described in section 1 of this chapter as reported by the 2000 decennial census.

STEP THREE: Divide the number determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Round the number determined in STEP THREE to the nearest ten-thousandth (0.0001).

STEP FIVE: Multiply the number determined in STEP FOUR by one hundred (100).

(2) In the case of a member appointed by the executive of a county, the member's weighted vote is determined in STEP FIVE of the following formula:

STEP ONE: Determine the population of the area in the county that is not within a municipality as reported by the 2000 decennial census.

STEP TWO: Determine the sum of the population of the counties described in section 1 of this chapter as reported by the 2000 decennial census.

STEP THREE: Divide the number determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Round the number determined in STEP THREE to the nearest ten-thousandth (0.0001).

STEP FIVE: Multiply the number determined in STEP FOUR by fifty (50).

(3) In the case of a member appointed by a fiscal body, the member's weighted vote is determined in STEP FIVE of the following formula:

STEP ONE: Determine the population of the area in the county that is not within a municipality as reported by the

- 1 2000 decennial census.
- 2 **STEP TWO:** Determine the sum of the population of the
- 3 counties described in section 1 of this chapter as reported by
- 4 the 2000 decennial census.
- 5 **STEP THREE:** Divide the number determined in STEP ONE
- 6 by the number determined in STEP TWO.
- 7 **STEP FOUR:** Round the number determined in STEP
- 8 THREE to the nearest ten-thousandth (0.0001).
- 9 **STEP FIVE:** Multiply the number determined in STEP
- 10 FOUR by fifty (50).

11 **Sec. 10. (a)** The commission shall elect from among its members,
 12 by the affirmative votes of a majority of the members serving on
 13 the commission, an executive board that consists of the following:

- 14 (1) The four (4) officers of the commission.
- 15 (2) One (1) member of the commission from each county
- 16 described in section 1 of this chapter.
- 17 (3) The member of the commission appointed by the governor.
- 18 **(b)** If a vacancy occurs in a position on the executive board
- 19 referred to in subsection (a)(2), a successor shall be elected from
- 20 among the members in the same manner as the member whose
- 21 position has been vacated.

22 **(c)** The executive board shall conduct the business of the
 23 commission, except for:

- 24 (1) the adoption and amendment of bylaws, rules, and
- 25 procedures for the operation of the commission;
- 26 (2) the election of officers and members of the executive board
- 27 as provided in this chapter; and
- 28 (3) the adoption of the annual appropriation budget after
- 29 review by the executive board.

30 **(d)** The executive board shall meet regularly at least one (1) time
 31 each month, unless otherwise determined by its members. The
 32 executive board shall notify the full membership of the commission
 33 of all its meetings with copies of its preliminary or final agendas
 34 and shall report all its actions and determinations to the full
 35 membership of the commission.

36 **(e)** A majority of members of the executive board constitutes a
 37 quorum. An action of the executive board is official only if it is
 38 authorized by an affirmative vote of a majority of the total number
 39 of members serving on the board at a regular or properly called
 40 special meeting. Any action of the executive board shall be
 41 reviewed at the next regular meeting of the commission following
 42 the executive board's action. Upon either:

- 43 (1) a decision by the majority of the board; or
- 44 (2) written request of a member of the commission;
- 45 an issue shall be brought to a vote of the full commission.

46 **Sec. 11. (a)** After review and recommendation by the executive
 47 board, the commission shall appoint an executive director, who
 48 serves at the pleasure of the commission. The executive director
 49 must be qualified by training and experience in the management of
 50 public agencies and must be knowledgeable in planning.

51 **(b)** The executive director is the chief administrative officer and

regular technical adviser of the commission. Subject to supervision by the commission and in furtherance of the purposes of the commission, the executive director:

- (1) shall execute the commission functions;
- (2) shall appoint and remove the staff of the commission;
- (3) shall submit to the commission annually, or more often if required, a status report on the operation of the commission;
- (4) may, with the approval of the executive board, execute contracts, leases, or agreements with other persons on behalf of the commission;
- (5) shall be given access by all governmental agencies, upon the executive director's written request, to all studies, reports, surveys, records, and other information and material in their possession that are required by the executive director for the accomplishment of the activities and objectives of the commission;
- (6) shall propose annually a budget for the operation of the commission and administer the budget as approved by the commission;
- (7) shall keep the records and care for and preserve all papers and documents of the commission; and
- (8) shall perform other duties and may exercise other powers that the commission or the executive board delegates to the executive director.

Sec. 12. The purpose of the commission is to institute and maintain a comprehensive planning and programming process for:

- (1) transportation;
- (2) economic development; and
- (3) environmental;

policy and provide a coordinative management process for the counties described in section 1 of this chapter. The commission shall coordinate its activities with all member units in the counties and shall coordinate and assist the planning programs of member units and the state that are related to its purpose.

Sec. 13. The commission may do any of the following in support of a purpose listed under section 12 of this chapter:

- (1) Transact business and enter into contracts.
- (2) Receive grants or appropriations from federal, state, or local governmental entities or from individuals or foundations and enter into agreements or contracts regarding the acceptance or use of those grants and appropriations to carry out any of the activities of the commission.
- (3) Apply for, receive, and disburse gifts, contributions, and grants of funds or in-kind services.
- (4) Acquire by grant, purchase, gift, devise, lease, or otherwise and hold, use, sell, improve, maintain, operate, own, manage, lease, or dispose of:
 - (A) real and personal property of every kind and nature; and
 - (B) any right and interest;

as necessary for the exercise of, or convenient or useful for the carrying out of, the commission's purposes under this chapter.

(5) Make and enter into all contracts, undertakings, and agreements necessary or incidental to the performance of the commission's purposes.

(6) Employ and fix the reasonable compensation of any employees and agents the commission considers necessary.

(7) Contract for special and temporary services and for professional assistance.

(8) Hold, use, administer, and expend money that is appropriated or transferred to the commission.

(9) Make contracts and leases for facilities and services.

(10) Act as a coordinating agency for programs and activities of other public and private agencies that are related to the commission's objectives.

(11) Enter into agreements or partnerships to do the following:

(A) Assist in coordinating activities involving state and local government, business organizations, and nonprofit organizations.

(B) Assist in the development and implementation of programs by other regional agencies and entities.

(12) Enter into coordinative arrangements with:

(A) any unit of government in Indiana or an adjoining state;

(B) an overlapping multicounty or interstate planning or development agency;

(C) a state agency;

(D) a federal agency;

(E) a private entity; or

(F) a minority business enterprise as defined by IC 4-13-16.5; that are appropriate to the achievement of the commission's objectives or to address a common issue.

(13) Provide any administrative, management, or technical services to a unit of local government that requests the services. The local unit and the commission may enter into a contract concerning the commission's provision of administrative, management, or technical services and the cost to the local unit for the services.

(14) Conduct all necessary studies for the accomplishment of the commission's purpose.

(15) Publicize the commission's purposes, objectives, and findings and distribute reports on those purposes, objectives, and findings.

(16) Provide recommendations to units of local government and to other public and private agencies.

Sec. 14. The commission may adopt by resolution any regional comprehensive or functional plan, program, or policy as the commission's official recommendation for the development of the region, subject to the power of a county to exempt itself under section 15 of this chapter. The commission shall provide an annual report of its activities to the legislative bodies of the counties and municipalities in the region.

Sec. 15. If the commission receives a petition that:

(1) is signed by a majority of the commission members

1 representing a county affected by a particular program; and
 2 (2) objects to the establishment of the program within that
 3 county;
 4 the commission may not implement the program in that county.

5 Sec. 16. (a) The commission must appoint advisory committees
 6 to assist in the achievement of its objectives. The membership of
 7 advisory committees shall not be limited to the members of the
 8 commission.

9 (b) At least one (1) advisory committee must be appointed with
 10 a membership that is representative of the private sector of the
 11 communities served by the commission and must include members
 12 representative of:

13 (1) higher education institutions;
 14 (2) minority business enterprises;
 15 (3) labor and workforce organizations; and
 16 (4) manufacturing entities;
 17 active in at least one (1) of the communities served by the
 18 commission.

19 (c) Members of advisory committees are not entitled to
 20 compensation for their services but may be reimbursed by the
 21 commission for expenses incurred in the performance of their
 22 duties.

23 Sec. 17. A county or municipality may periodically, upon the
 24 request of the commission, assign or detail to the commission any
 25 employees of the county or municipality to make special surveys or
 26 studies requested by the commission.

27 Sec. 18. (a) The commission shall prepare and adopt an annual
 28 appropriation budget for its operation. The appropriation budget
 29 shall be apportioned to each participating county on a pro rata per
 30 capita basis. After adoption of the appropriation budget, any
 31 amount that does not exceed an amount for each participating
 32 county equal to seventy cents (\$0.70) per capita for each
 33 participating county shall be certified to the respective county
 34 auditor. The county auditor shall advertise the amount and
 35 establish the rate in the same manner as for other county budgets.

36 (b) The tax levied under this section and certified shall be
 37 estimated and entered upon the tax duplicates by the county
 38 auditor and shall be collected and enforced by the county treasurer
 39 in the same manner as other county taxes are estimated, entered,
 40 collected, and enforced. The tax collected by the county treasurer
 41 shall be transferred to the commission.

42 (c) In fixing and determining the amount of the necessary levy
 43 for the purpose provided in this section, the commission shall take
 44 into consideration the amount of revenue, if any, to be derived
 45 from federal grants, contractual services, and miscellaneous
 46 revenues above the amount of those revenues considered necessary
 47 to be applied upon or reserved upon the operation, maintenance,
 48 and administrative expenses for working capital throughout the
 49 year.

50 (d) After the budget is approved, amounts may not be expended
 51 except as budgeted unless the commission authorizes their

1 expenditure. Before the expenditure of sums appropriated as
 2 provided in this section, a claim must be filed and processed as
 3 other claims for allowance or disallowance for payment as
 4 provided by law.

5 (e) Any two (2) of the following officers may allow claims:

6 (1) Chairperson.

7 (2) Vice chairperson.

8 (3) Secretary.

9 (4) Treasurer.

10 (f) The treasurer of the commission may receive, disburse, and
 11 otherwise handle funds of the commission, subject to applicable
 12 statutes and to procedures established by the commission.

13 (g) The commission shall act as a board of finance under the
 14 statutes relating to the deposit of public funds by political
 15 subdivisions.

16 (h) Any appropriated money remaining unexpended or
 17 unencumbered at the end of a year becomes part of a nonreverting
 18 cumulative fund to be held in the name of the commission.
 19 Unbudgeted expenditures from this fund may be authorized by
 20 vote of the commission and upon other approval as required by
 21 statute. The commission is responsible for the safekeeping and
 22 deposit of the amounts in the nonreverting cumulative fund, and
 23 the state board of accounts shall prescribe the methods and forms
 24 for keeping the accounts, records, and books to be used by the
 25 commission. The books, records, and accounts of the commission
 26 shall be audited periodically by the state board of accounts, and
 27 those audits shall be paid for as provided by statute.

28 SECTION 7. IC 36-7-7-4.1 IS REPEALED [EFFECTIVE JULY 1,
 29 2003].

30 SECTION 8. [EFFECTIVE JULY 1, 2003] (a) A regional planning
 31 commission under IC 36-7-7 that includes a county described in
 32 IC 36-7-7.6-1, as added by this act, becomes on July 1, 2003, the
 33 northwestern Indiana regional planning commission, subject to
 34 IC 36-7-7.6, as added by this act.

35 (b) A municipality or county required to make an appointment
 36 to the northwestern Indiana regional planning commission under
 37 IC 36-7-7.6-4, as added by this act, shall make the appointment
 38 before July 15, 2003.

39 (c) On July 1, 2003, all property of the regional planning
 40 commission described in subsection (a) becomes the property of the
 41 northwestern Indiana regional planning commission, subject to
 42 IC 36-7-7.6, as added by this act.

43 (d) This SECTION expires January 1, 2004.

44 SECTION 9. An emergency is declared for this act.

(Reference is to EHB 1010 as printed April 4, 2003.)

Conference Committee Report
on
Engrossed House Bill 1010

Signed by:

Representative Pelath
Chairperson

Senator Landske

Representative Ayres

Senator Rogers

House Conferees

Senate Conferees